

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SELWAY CORPORATION, a
Montana Corporation,

Plaintiff,

vs.

PPL MONTANA, LLC, a Delaware
Corporation, WALSH
CONSTRUCTION COMPANY, an
Illinois Corporation, and TRAVELERS
CASUALTY AND SURETY
COMPANY OF AMERICA, a
Connecticut Corporation,

Defendant.

CV 14-36-GF-BMM

ORDER

Defendant Walsh Construction Company (“Walsh”) and Plaintiff Selway Corporation (“Selway”) filed numerous motions, including motions to strike various witnesses’ testimony, as well as for summary judgment, and partial summary judgment.

The Court heard oral argument on these motions on September 22, 2015. For the reasons stated in open court,

IT IS ORDERED:

1. Walsh's Motion to Strike Plaintiff's Late Discovery Responses (Doc. 28) is **GRANTED IN PART**. Plaintiff's expert is limited to the OSHA citations in Selway's Supplemental Discovery Responses that refer directly to matters stated in her expert report and deposition testimony. The parties are to meet and confer regarding this ruling, and only after doing so shall they inform the Court of any remaining concerns.
2. Walsh's Motion to Sequester Witnesses at Trial (Doc. 30) is **GRANTED**.
3. Walsh's Motion to Strike Plaintiff's Experts (Doc. 26) and its Motion to Preclude Evidence of Damages Not Produced in Discovery and Adverse Inference Ruling (Doc. 32) are **DENIED**.
4. Walsh's Motion for Summary Judgment (Doc. 38) is **DENIED**.
5. Selway's Motion to Bar Witness Testimony (Doc. 36), its Motion to Strike Affidavits of Seely and Bruno and to Exclude Them as Witnesses (Doc. 50), and its Motion to Strike Defendant's Expert Witnesses (Doc. 53) are **DENIED**.

6. Selway's Motion for Summary Judgment Dismissal of Defendants' Affirmative Defenses (Doc. 41), and its Motion for Partial Summary Judgment Re: Walsh's Breach of Contract and Safety Plan (Doc. 44) are **DENIED.**

DATED this 23rd day of September, 2015.



Brian Morris
United States District Court Judge